UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 24 2016

REPLY TO THE ATTENTION OF

CERTIFIED MAIL 7009 1680 0000 7642 3069
RETURN RECEIPT REQUESTED

Mr. Dean Hudson
Director US EH&S
Aux Sable Liquid Products Incorporated
6155 East US Route 6
Morris, Illinois 60450

Re: Notice of Violation
Compliance Evaluation Inspection
EPA ID: ILR 000 080 952

Dear Mr. Hudson:

On July 1, 2015 a representative of the U.S. Environmental Protection Agency inspected the Aux Sable Liquid Products Incorporated (ASLP) facility located in Morris, Illinois. As a large quantity generator of hazardous waste, ASLP is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq*. (RCRA). The purpose of the inspection was to evaluate ASLP's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by ASLP, EPA's review of records pertaining to ASLP, and the inspector's observations, EPA has determined that ASLP has unlawfully stored hazardous waste without a permit or interim status as a result of ASLP's failure to comply with certain conditions for a permit exemption under Ill. Admin. Code tit. 35 § 722.134(a)-(c) [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the permit exemption conditions with which ASLP was out of compliance at the time of the inspection in paragraphs 1 - 3, below.

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ill. Admin. Code tit. 35 Part 725, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. The exemption conditions identified in paragraphs 1 - 3 are also independent TSD requirements

incorporated from Ill. Admin. Code tit. 35 Part 725. Accordingly, each failure of ASLP to comply with these conditions is also a violation of the corresponding requirement in Ill. Admin. Code tit. 35 Part 725 [40 C.F.R. Part 265] (if the facility should have fully complied with the requirements for interim status), or Ill. Admin. Code tit. 35 Part 724 [40 C.F.R. Part 264] (if the facility should have been permitted).

At the time of the inspection, ASLP was out of compliance with the following large quantity generator permit exemption conditions identified below in paragraphs 1 - 3 that are also independent TSD requirements violated by ASLP:

1. Written Hazardous Waste Tank Assessment

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(B) and 725.292(a)(1) – (a)(3) and (a)(5) [40 C.F.R. §§ 262.34(a)(1)(ii) and 265.192(a)(1) – (a)(3) and (a)(5)] a large quantity generator that owns or operates a new hazardous waste tank system must obtain a written assessment, reviewed and certified by an independent registered professional engineer, attesting that the system has sufficient structural integrity is acceptable for storing hazardous waste and has corrosion protection so that it will not collapse rupture or fail. Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(B) and 35 § 725.292(g) [40 C.F.R. §§ 262.34(a)(1)(ii) and 265.192(g)] requires the owner or operator of a new tank system to obtain and keep on file at the facility the design and installation certifications of the new tank system.

At the time of the inspection, ASLP owned and operated three hazardous waste storage tanks that were installed on or about 2004. These three tanks store hazardous water waste generated during the natural gas processing operations. At the time of the inspection, ALSP could not provide a written hazardous waste tank assessment for its hazardous waste tanks.

2. Tank Inspections

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(B) and 725.295(a) and (b) [40 C.F.R. §§ 262.34(a)(1)(ii) and 265.195(a) and (b)] a large quantity generator that owns or operates a new hazardous waste tank system must conduct daily inspections. These inspections must be documented in the operating record of the facility. See Ill. Admin. Code tit. 35 § 725.295(g) [40 C.F.R. § and 265.195(g)].

At the time of the inspection, ASLP stated that it inspects the three hazardous waste tanks on a daily basis. However, ALSP could not provide daily inspection records for the following time periods:

- Between January 16 and February 7, 2015
- Between February 28 and March 3, 2015
- Between March 13 and March 26, 2015
- Between May 16 and May 25, 2015
- Between June 18 and June 25, 2015
- Between October 8 and October 13, 2014
- Between November 10 and November 18, 2014.

3. Training

A large quantity generator of hazardous waste must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. This program must be directed by a person trained in hazardous waste management procedures, and must include instruction that teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. *See* Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.116(a) [40 C.F.R. §§ 262.34(a)(4) and 265.16(a)]. Facility personnel must successfully complete this training program within six months after the date of their employment or assignment to a facility or to a new position at a facility, and must take part in an annual review of this initial training thereafter. *See* Ill. Admin. Code tit. 35 §§ 725.116(b) and (c) [40 C.F.R. §§ 265.16(b) and (c)].

With respect to this training program, a large quantity generator must maintain the following documents and records at its facility:

a) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job. *See* Ill. Admin. Code tit. 35 § 725.116(d)(1) [40 C.F.R. § 265.16(d)(1)];

b) A written job description for each position at the facility related to hazardous waste management. *See* Ill. Admin. Code tit. 35 § 725.116(d)(2) [40 C.F.R. § 265.16(d)(2)];

c) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management. *See* Ill. Admin. Code tit. 35 § 725.116(d)(3) [40 C.F.R. § 265.16(d)(3)]; and

d) Records that document that the training or job experience described above has been given to and completed by facility personnel. *See* Ill. Admin. Code tit. 35 § 725.116(d)(4) [40 C.F.R. § 265.16(d)(4)].

At the time of the inspection, ASLP did not have and was unable to provide in response to a request a list of each position at the facility related to hazardous waste management and the name of the employee filling such position(s).

At the time of the inspection, ASLP did not have and was unable to provide in response to a request a written description for each position related to hazardous waste management at the facility.

At the time of the inspection, ASLP did not have and was unable to provide in response to a request a written description of the type and amount of introductory and continuing training given to employees with duties related to hazardous waste management.

At the time of the inspection, ASLP could provide any documentation that the annual hazardous waste training was provided for 2014 and 2015.

By failing to comply with the conditions for a permit exemption, above, ASLP became an operator of a hazardous waste storage facility, and was required to obtain an Illinois hazardous waste storage permit. ASLP failed to apply for such a permit. ASLP's failure to apply for and obtain a hazardous waste storage permit violated the requirements of Ill. Admin. Code tit. 35 §§ 703.121(a) and (b); 703.180(c); and 705.121(a) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Any failure to comply with a permit exemption condition incorporated from Ill. Admin. Code tit. 35 Part 725 is also an independent violation of the corresponding TSD requirement.

4. Universal Waste Storage

Under Ill Admin. Code tit. 35 § 733.113(d)(1), a small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment. A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.

Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

ASLP is a small quantity handler of universal waste because it accumulates less than 5,000 kilograms or more of universal waste at any time.

At the time of the inspection, ASLP was storing used lamps in containers that were not being kept in a closed position.

5. Universal Waste Lamp Labeling

Under Ill Admin. Code tit. 35 § 733.114(e), a small quantity handler of universal waste must label or clearly mark each lamp or container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps", "Waste Lamps" or Used Lamps."

At the time of the inspection, ASLP's containers of lamps were not labeled with the phrase "Universal Waste-Lamps", "Waste Lamps" or Used Lamps."

After the inspection, as documented in two separate emails sent to EPA, on July 10, 2015, and July 23, 2015, you took certain actions to establish compliance with the exemption conditions specified in paragraphs 1 through 3 and the universal waste storage requirements outlined in paragraphs 4 and 5. Based on the information received from ASLP, EPA is not planning additional enforcement actions based on this inspection at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA appreciates ASLP's cooperation.

If you have any questions regarding this letter, please contact Mr. Spiros Bourgikos, of my staff, at (321) 886-6862 or at bourgikos.spiros@epa.gov

Sincerely,

Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Todd Marvel, Illinois EPA, (todd.marvel@illinois.gov)

U. S. Environmental Protection Agency
Region 5, Land and Chemicals Division
RCRA Branch
77 West Jackson Boulevard
Chicago, Illinois 60604

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

SITE NAME:	Aux Sable Liquid Products Incorporated
EPA ID NUMBER:	EPA ID: ILR 000 080 952
ADDRESS:	6155 East US Route 6 Morris, Illinois 60450
DATE OF INSPECTION:	July 1, 2015
EPA INSPECTOR:	Spiros Bourgikos Environmental Engineer

PREPARED BY: Spiros Bourgikos — 7-23-2015
Spiros Bourgikos
Compliance Section 1
Date

APPROVED BY: 8-19-15
Michael Cunningham Chief
Compliance Section 1
Date

Purpose of Inspection
This inspection was an evaluation of Aux Sable Liquid Products, Incorporated's (ASLP) compliance with hazardous waste, used oil, and universal waste regulations found at Illinois' hazardous waste management rules codified at 35 IAC Parts 700-739 and the Code of Federal Regulations (CFR) at 40 CFR Parts 260-270, 273 and 279. The Illinois Environmental Protection Agency (Illinois EPA) was invited to participate in this inspection but declined. The site has notified as a large quantity generator (LQG).

Participants

Inspector(s):
Spiros Bourgikos, Environmental Engineer, EPA

Site Representative(s):
Alan Frantsvog, P.E., Environmental Engineer, ASLP
Dean Hudson, Director US EH&S, ASLP
Prerak Patel, Environmental Engineer, ASLP

Introduction
On July 1, 2015, I arrived at the site at approximately 10:00 AM. I introduce myself at the reception desk and asked to see Mr. Hudson. While I was waiting for Mr. Hudson I was asked to watch a five minute safety video. When Mr. Hudson arrived, I introduced myself, presented my inspector credentials and business card. Once inside the plant, Mr. Hudson introduced me to Messrs. Frantsvog and Patel, I described the purpose and process by which I intended to conduct the inspection. Mr. Hudson provided me with a description of the site operations. Mr. Frantsvog led the tour and provided me with the records I requested for review.

I provided a Small Business Resources information sheet to Mr. Hudson. I also informed Mr. Hudson that ASLP could claim any information gathered during the inspection as Confidential Business Information (CBI) including; verbal information, documents and photographs. ASLP did not make a CBI claim on the information gathered during the inspection.

Site Description

ASLP owns and operates one of the largest natural gas liquid (NGL) extraction and fractionation facilities in North America. Located at the east terminus of the Alliance Pipeline, the Morris, Illinois facility processes liquids rich gas shipped from the Alberta, Canada gas fields. Since commencing operations in December 2000, ASLP has processed over 7.2 trillion cubic feet of natural gas and has produced over 12 billion gallons of specification NGL products. The facility is capable of processing 2,100 million cubic feet of natural gas and produce approximately 107,000 barrels per day of specification NGL products.

Natural gas processing consists of separating all of the various hydrocarbons and fluids from the pure natural gas to produce what is known as pipeline quality dry natural gas. The various hydrocarbons known as NGLs include ethane, propane, butane, isobutene and pentane. These NGLs are sold separately. Ethane is sold to plastic manufactures, propane is sold for home

heating, n-butane is sold to refineries for gasoline blending, iso-butane is used in the production of gasoline and pentane is used to make heavy crude oil easier to pump.

Natural gas processing starts with the removal of water. Most of the water associated with extracted natural gas is removed by simple separation near the wellhead. At the Morris facility the removal of the water vapor that exists in solution in natural gas takes place in two adsorption towers. The adsorption towers are filled with molecular sieves. As the natural gas is passed through these towers, the water is retained on the surface of the sieves. The sieves are then regenerated by passing high temperature gas through the adsorptions beds that vaporizes the water. Adsorption beds need to be replaced every few years.

The dewatered gas then enters the Cryo Plant. At the Cryo Plant the temperature is dropped to around minus180 degrees Fahrenheit. This rapid temperature drop condenses ethane and the other hydrocarbons while maintaining methane in the gas steam.

Once NGLs have been removed from the natural gas stream, the gas stream enters two fractionation columns where the different hydrocarbons in the NGL (ethane, propane, butane, iso butane and pentane) are separated.

Next, light hydrocarbons such as propane and butane are treated with caustic soda to strip sulfur compounds and carbon dioxide. The caustic is then regenerated with a special catalyst developed by UOP called Merox. This process generates difulfide oil (DSO). Sulfur compounds as DSO are insoluble in water and can be separated from the rich caustic solution. DSO is a clear to yellow liquid and is routed to a storage tank identified as Tank SV604. When the caustic solution becomes spent it is also routed to a storage tank identified as Tank SV603. According to Mr. Hudson, the caustic solution and the DSO are shipped to Kinder Morgan Terminal, Galena, Texas, c/o Merichem for "beneficial use" – substitute for raw material.

According to ASLP, DSO is used by Merichem to produce sulfuric acid[1]. Merichem uses the caustic to recover different acids that are used in the production of ink.

ASLP is also generates used oil and universal waste.

Site Tour

During the facility walkthrough, I visited the 90 day hazardous waste storage area, hazardous waste tanks, TK501, SV603 and SV604 and the universal waste storage area. I took photographs of the various waste storage/accumulation areas during the site tour. See Attachment B for photographs taken during the inspection.

We started the tour at the 90 day hazardous waste storage area. During the inspection, I did not observe any containerized hazardous waste stored in this area. However, there was a 55 gallon drum labeled "Lead Acetate - Start Date 6/1/2014" See Photograph Nos. 1 and 2. Mr. Frantsvog stated that this drum is a satellite accumulation drum that contained lead acetate paper strips used

[1] The EPA Office of Solid Waste and Emergency Response has determined that disulfide oil is not a solid waste when used in the manufacture of sulfuric acid. See Attachment C.

in two hydrogen sulfide analyzers. The strips are identified as D008 hazardous waste. This drum was closed but not labeled with the words "Hazardous Waste"[2].

In the 90-day hazardous waste storage area, I also observed a tank used to store used oil generated from servicing several compressors (See Photograph No. 3). The tank was labeled with the words "Used Oil" and it was closed.

There was also another 55 gallon drum labeled "Universal Waste" in this area (See Photograph No. 4). It contained lead acid batteries and it was closed. The label had an accumulation start date of September 25, 2014.

Next we drove to see the storage tanks. Storage tank TK501 (See Photograph No. 5) stores the waste water generated from the dewatering of the gas. The tank was labeled with the words "Hazardous Waste". This tank is equipped with an activated carbon filter to control the air emissions from a vent located on the top of the tank. ASLP monitors the activated carbon break through. When the activated carbon needs to be replaced, ASLP tests the carbon to determine whether it is hazardous waste or not. To the east of tank TK501, I observed two additional storage tanks. Tank SV603 (See Photograph No. 6) is storing caustic and is labeled "Hazardous Waste Unless Beneficially Reused". Tank SV604 (See Photograph No. 7) is storing DSO and is also labeled "Hazardous Waste Unless Beneficially Reused". The three tanks are equipped with secondary containment. The floor of the secondary containment appeared to be in good condition with no cracks or signs of deterioration. On the day of the inspection I observed what appeared to be an inch of rain water inside the secondary containment of the three tanks (See photograph No. 8).

During the drive through the plant, I observed several roll off boxes. According to Mr. Frantsvog these boxes contained molecular sieves generated during the last plant turn around. Mr. Frantsvog stated that based on a waste determination conducted by ASLP, the molecular sieves were not hazardous waste. At this point I requested to see the waste determination during the records review.

Before the end of the tour I requested to visit the universal waste storage area. This area is identified as area BU505. During the inspection I observed six boxes (See Photograph No. 9) that contained used fluorescent bulbs. The boxes we open and not labeled. There were also two additional boxes containing used metal halide bulbs (See Photograph Nos. 10 and 11).

Records Review

During the inspection, I reviewed the following records; hazardous waste manifests, land disposal restriction notifications (LDR), training records, inspection records, annual hazardous waste reports, waste analysis records, manifests, and the contingency plan. I also completed the LQG checklist during the records review, *see* Attachment C.

[2] On July 10, 2015, ASLP submitted a photograph via an e-mail to EPA documenting that the satellite drum is now labeled properly.

During the records review, I requested that ASLP provide a copy of the molecular sieve waste analysis report dated June 24, 2015.

Hazardous Waste Records
During this inspection, I reviewed the waste manifests for 2014 and 2015. The waste manifests were filled out properly.

Training Records
I requested to review the training records required, including the annual refresher training records 2014 and 2015. During the inspection ASLP could not provide the requested records required under 35 IAC 725.116[3].

Inspection records
I requested to review the weekly inspection records of the 90-day hazardous waste storage area for 2013, 2014 and 2015. These records were not organized in sequential order.

I also requested to review the daily tank inspection records: These records were also not kept in sequential order. Based on my review, in 2014 and 2015, ASLP missed conducting daily tank inspections for the following time periods:

- Between January 16 and February 7, 2015
- Between February 28 and March 3, 2015
- Between March 13 and March 26, 2015
- Between May 16 and May 25, 2015
- Between June 18 and June 25, 2015
- Between October 8 and October 13, 2014
- Between November 10 and November 18, 2014.

Annual Hazardous Waste Report
I reviewed the 2011, 2012, 2013 and 2014 Annual Hazardous Waste Reports. These reports were submitted to Illinois EPA on February 14, 2012, February 14, 2013, January 31, 2014 and February 18, 2015 respectively. In 2014 ASLP generated 166,375 gallons of wastewater identified as D001, D018 and F003 hazardous waste. Other hazardous waste generated in 2014 include but not limited: Lead acetate impregnated tape, D008 – 100 pounds; liquid aerosol cans, D039, D040 – 400 pounds; caustic sludge, D002, D018 -275 pounds; and spent activated carbon, D001, D018, F003, F005 – 720 pounds.

Contingency Plan
The contingency plan is part of the SPCC plan and contained all the information required by 35 IAC 725.152.

[3] The annual refresher training records were submitted via an email on July 10, 2015. ASLP currently working to provide the rest of the training records required under 35 IAC 725.116.

Waste Determination
During the inspection, I requested to review the profiles of some of the waste generated by ASLP. I also reviewed the molecular sieve waste analysis dated June 24, 2015. Based on these records, ASLP is making proper waste determinations.

Tank Assessment Records

During the inspection, I request to review the written tank assessment reports required to be reviewed and certified by a professional engineer prior to the operation of the three tanks. ASLP could not produce any written tank assessment reports[4].

During the inspection I asked Mr. Frantsvog whether the secondary containment was designed to detect the failure of the tanks or the failure of the secondary containment or any release of hazardous waste into the secondary containment within 24 hours. Mr. Frantsvog stated that he was not very familiar with the design specifications of the secondary containment.

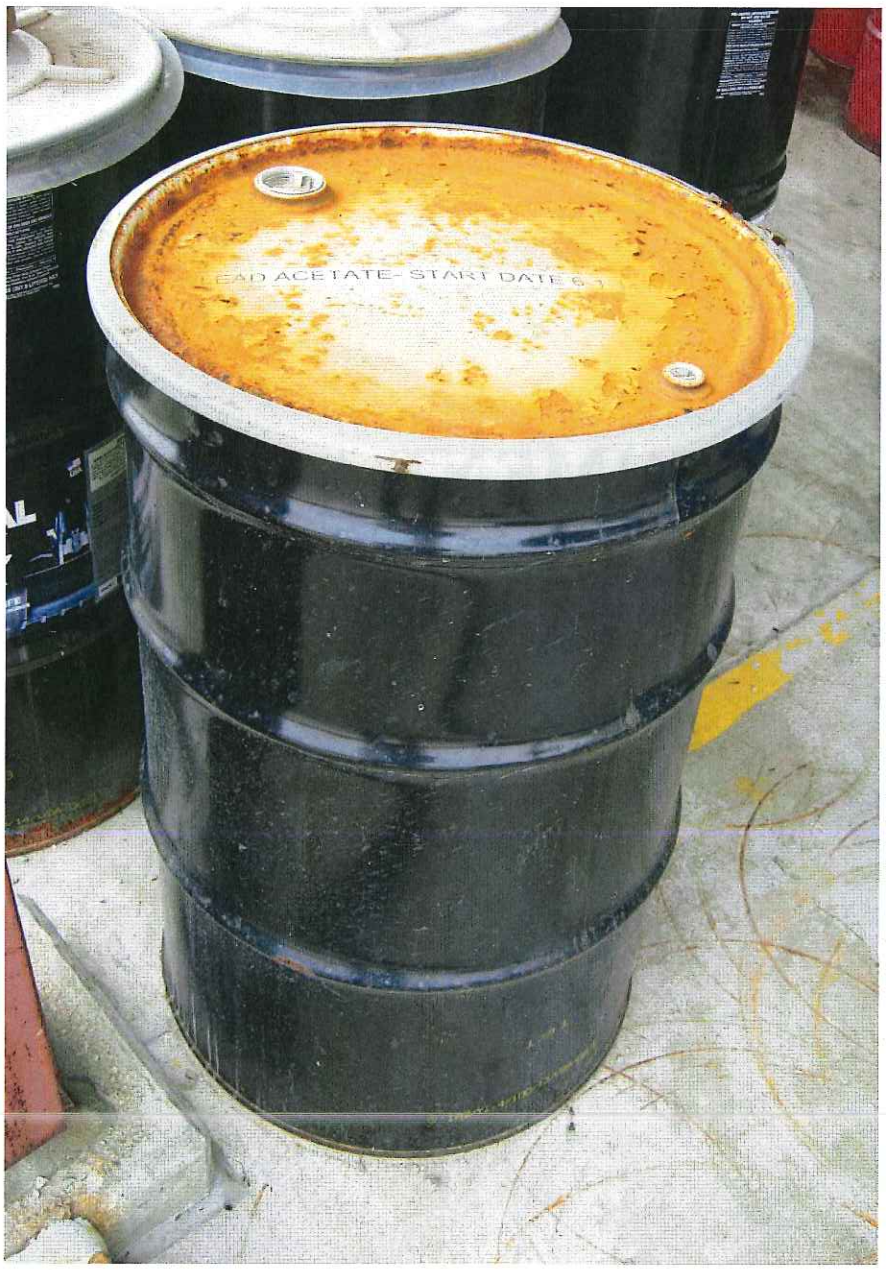
Closing Conference
I summarized the issues identified during the inspection. I again mentioned that ASLP could make claims of CBI on the materials copied, photographs, and information gathered during the inspection. Mr. Frantsvog did not make any CBI claims. The inspection concluded at approximately 1:30 PM.

Attachments

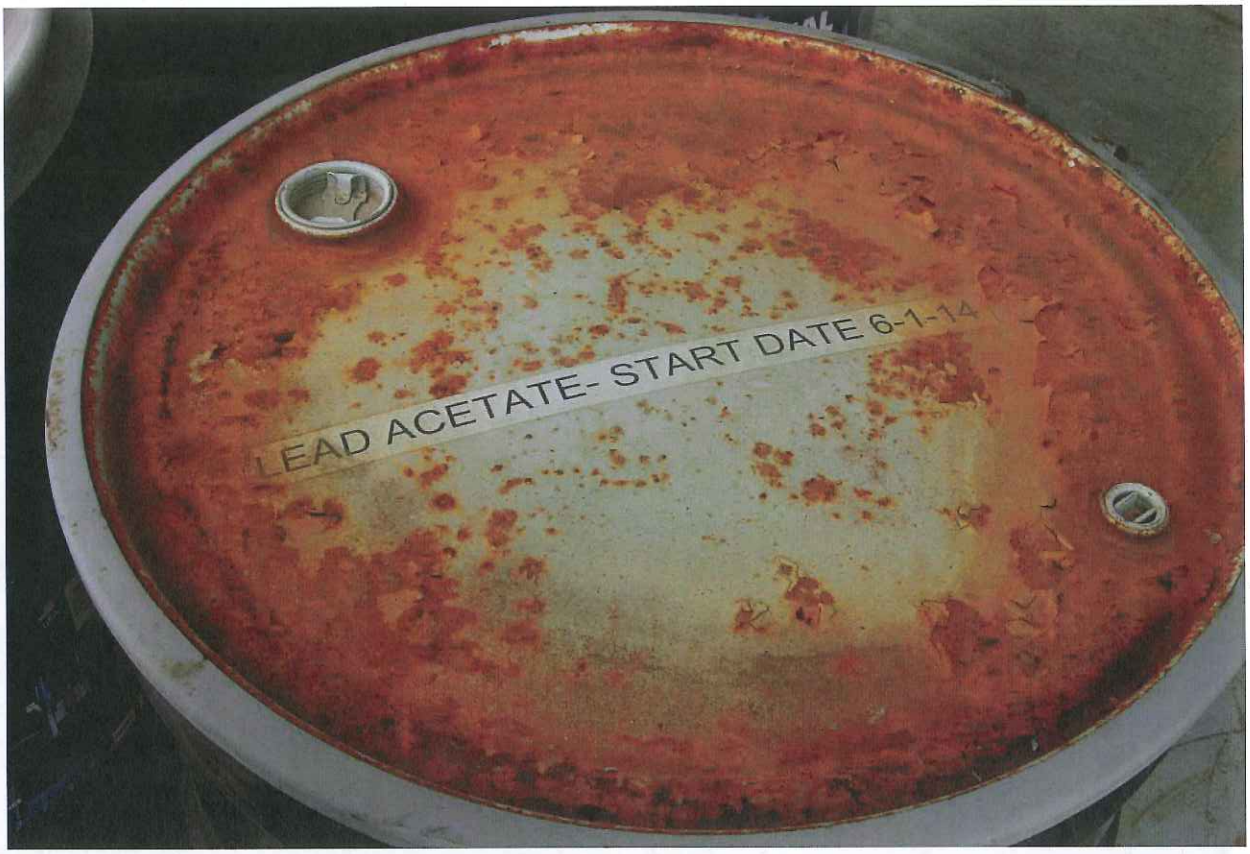
A. Photograph Log
B. Checklist(s)
C. EPA, Office of Solid Waste and Emergency Response Letter

[4] On July 10, 2015, ASLP provided via email two documents related to the tanks. The first document is titled "Visual Tank System Structural Inspection of Process Wastewater Disposal Tank 501", dated October 2, 2013. The second document is titled "RCRA tank Assessments" and is dated February 24, 2004. ASLP submittal does not include the Appendix referenced in the tank assessment report.

ATTACHMENT A
Photograph Log



Photograph No. 1
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: A satellite accumulation container located in the 90 day hazardous waste storage area. The drum contained lead acetate paper strips.



Photograph No. 2
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: A close up of the label attached to the drum shown in Photograph No. 1

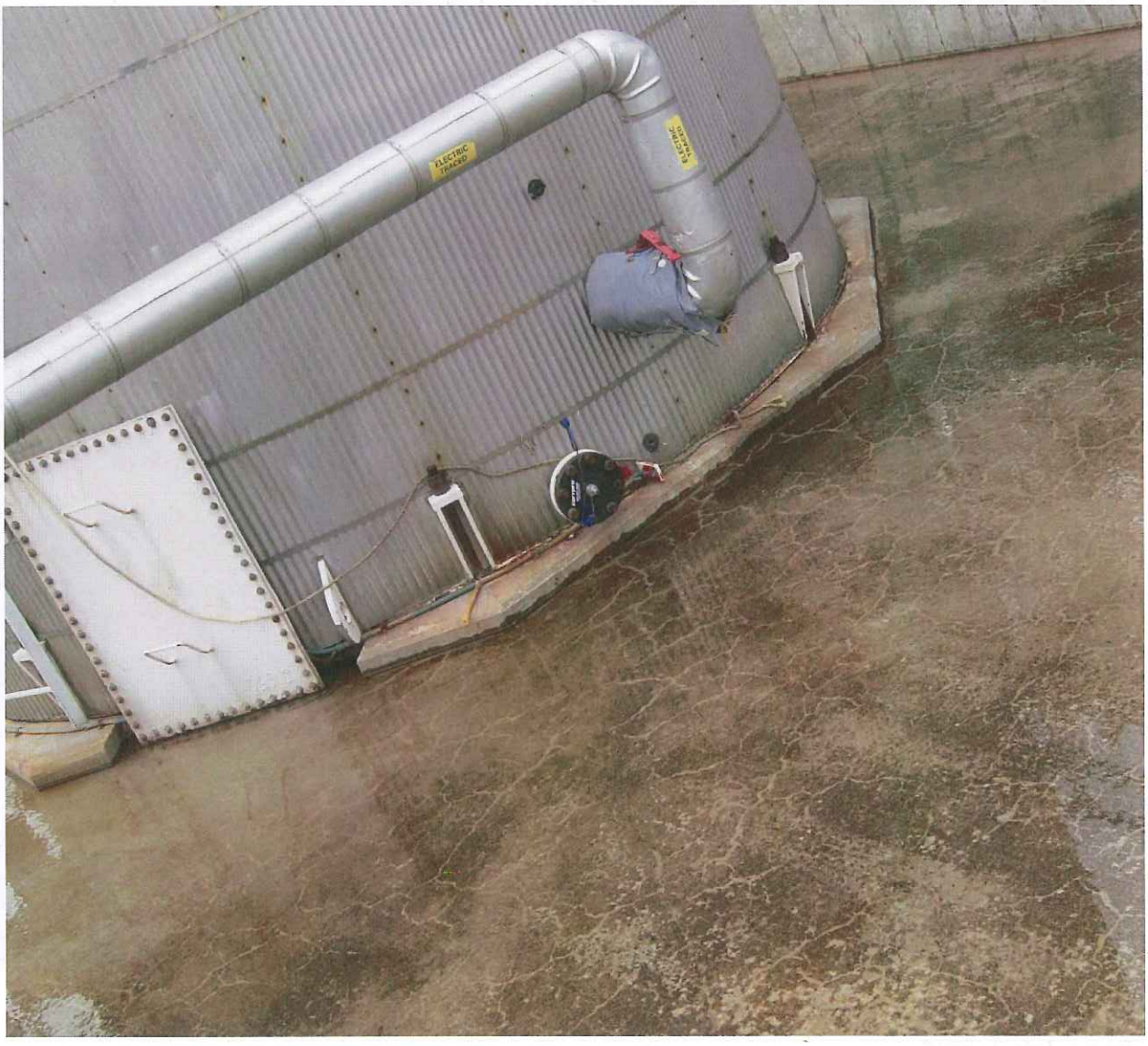
Photograph No. 3
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: A tank storing used oil.

Photograph No. 4
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: A drum located in the 90 day hazardous waste storage area, storing lead acid batteries.

Photograph No. 5
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: Tank 501 used to store process waste water.

Photograph No. 6
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: Tank SV603 used to store spent caustic.

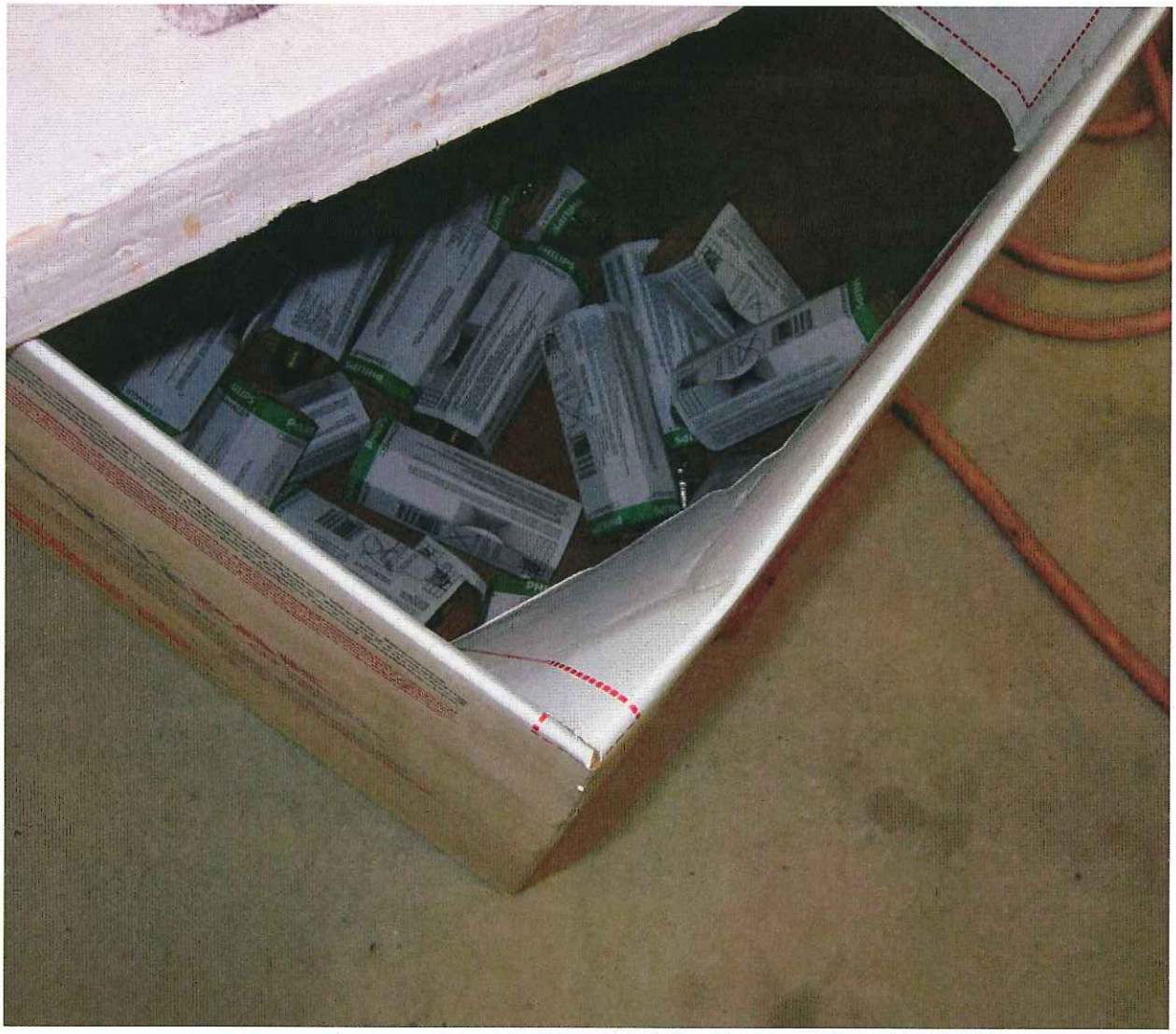
Photograph No. 7
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: Tank SV604 used to store disulfide oil.



Photograph No. 8
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: Floor of Tank 501 secondary containment. During the inspection there was an inch of rain water pooled inside the containment.

Photograph No. 9
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: Boxes of fluorescent bulbs open and not labeled located in building BU505.

Photograph No. 10
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: A box of used metal halide bulbs located in building BU505. The box was open and not labeled.



Photograph No. 11
Date: July 1, 2015
Photographer: Spiros Bourgikos
Location: Aux Sable Liquid Products, Morris, Illinois
Subject: A second box of used metal halide bulbs located in building BU505. The box was open and not labeled.

ATTACHMENT B
Checklist

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
	PART 722: STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE (>1000 KG/MO.)	
	SUBPART A: GENERAL	
722.111	**Section 722.111 Hazardous Waste Determination** Has the generator correctly determined if the solid waste(s) it generates is a hazardous waste? Yes ✓ No ____ N/A ____	722.111
	Have hazardous wastes been identified for purposes of compliance with Part 728? Yes ____ No ____ N/A ____	
808.121(a)	Has the generator correctly determined if the solid waste(s) it generates is a special waste? Yes ✓ No ____ N/A ____	808.121(a)
	Section 722.112 USEPA Identification Numbers	
722.112(a)	Has the generator obtained a USEPA identification number? Yes ✓ No ____ N/A ____	722.112(a)
722.112(c)	Has the generator offered its hazardous waste only to transporters or to treatment, storage or disposal facilities that have a USEPA identification number? Yes ✓ No ____ N/A ____	722.112(c)
	SUBPART B: THE MANIFEST	
	Section 722.120 General Requirements	
722.120(a)	Does the facility manifest its waste off-site? Yes ✓ No ____ N/A ____	722.120(a)
722.120(b)	Does the manifest designate a facility permitted to handle the waste? Yes ✓ No ____ N/A ____	722.120(b)
722.120(d)	Has the generator shipped any waste that could not be delivered to the designated facility? Yes ____ No ✓ N/A ____	722.120(d)
	Section 722.121 Acquisition of Manifests	
722.121(a)	Has the generator used: - an Illinois manifest for wastes designated to a facility within Illinois? Yes ____ No ____ N/A ____	722.121(a)
722.121(b)	- a manifest from the State to which the manifest is designated? Yes ____ No ____ N/A ____	
	- an Illinois manifest if the State to which the waste is designated has no manifest of its own? Yes ____ No ____ N/A ____	722.121(b)
	Section 722.122 Number of Copies	
722.122	Does the manifest consist of at least 6 copies? Yes ✓ No ____ N/A ____	722.122
	Section 722.123 Use of the Manifest	
722.123(a)	For each manifest reviewed, has the generator: - signed the certificate by hand? Yes ✓ No ____ N/A ____	
	- obtained the handwritten signature and the date of acceptance by the initial transporter? Yes ✓ No ____ N/A ____	722.123(a)
	- retained one copy as required by Section 722.140(a)? Yes ✓ No ____ N/A ____	
	- apparently sent a copy (part 5 for the Illinois manifest) to the Agency within 2 working days? Yes ✓ No ____ N/A ____	
722.123(b)	- has the generator apparently given the remaining copies to the transporter? Yes ✓ No ____ N/A ____	722.123(b)
722.123(c)	- has the generator followed the procedures prescribed in Section 722.123 for manifesting bulk shipments of hazardous waste by rail or water? Yes ✓ No ____ N/A ____	722.123(c)

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
	SUBPART C: PRE-TRANSPORT REQUIREMENTS	
722.130	Is there any hazardous waste ready for transport off-site? Yes_____ No_✓_____ N/A_____ If so, is the generator complying with the pre-transport requirements in Subpart C? Yes_____ No_____ N/A_____	722.130
	Section 722.134 Accumulation Time	
(722.134(a))	Has the generator complied with the following requirements: Yes_____ No_____ N/A_____	
(722.134(a)(1))	A) For waste in containers, has the generator complied with the requirements of Part 725, Subpart I, AA, BB, and CC? Yes_____ No_____ N/A_____	
	and/or B) For waste in tanks, has the generator complied with the requirements of Part 725, Subpart J, AA, BB, and CC (except Sections 725.297(c) and 725.300)? Yes_____ No_____ N/A_____	
	and/or C) For waste on drip pads, has the generator complied with the requirements of Part 725, Subpart W and maintained the required records identified in this subsection? Yes_____ No_____ N/A_____	
	and/or D) For waste in containment buildings, has the generator complied with Part 725, Subpart DD and maintained the required records identified in this subsection? Yes_____ No_____ N/A_____	
(722.134(a)(2))	For waste in containers, has the generator marked and made visible for inspection on each container, the date upon which accumulation began? Yes_____ No_____ N/A_____	
(722.134(a)(3))	For waste in containers and tanks, has the generator marked or labeled each with the words "Hazardous Waste"? Yes_____ No_____ N/A_____	
(722.134(a)(4))	Has the generator complied with the requirements of Part 725, Subparts C and D, and Sections 725.116 and 728.107(a)(4)? Yes_____ No_____ N/A_____	
	Specifically, the requirements of items 1 and/or 4 above (listed by regulation) which need to be complied with are as follows:	
	Does the facility accumulate hazardous waste in containers? Yes_____ No_____ N/A_____ If "No", go to Subpart J.	
	SUBPART I: USE AND MANAGEMENT OF CONTAINERS	
(725.211)	Has the generator closed an accumulation area? Yes_____ No_✓_____ N/A_____	725.211
(725.214)	If "Yes", was the accumulation area closed in accordance with Sections 725.211 and 725.214? Yes_____ No_____ N/A_____	725.214
(725.271)	If the containers have leaked or are in poor condition, has the owner/operator transferred the hazardous waste to a suitable container? Yes_____ No_____ N/A_✓_____	
(725.272)	Is the waste compatible with the container and/or liner? Yes_✓_____ No_____ N/A_____	
(725.273(a))	Are containers of hazardous waste always closed except to remove or add waste during accumulation? Yes_✓_____ No_____ N/A_____	
(725.273(b))	Are containers of hazardous waste being opened, handled, or stored in a manner which will prevent the rupture of the container or prevent it from leaking? Yes_____ No_____ N/A_✓_____	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.274)	Is the owner/operator inspecting the accumulation area(s) at least weekly, looking for leaks or deterioration? Yes ✓ No N/A Is the accumulation area free from any evidence of leaking or deteriorating containers? (See also Section 725.131) Yes ✓ No N/A	But records must be verify
(725.276)	Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility's property line? Yes No N/A ✓ **Note:** See Section 725.117(a) for additional requirements for ignitable, reactive or incompatible wastes.	
(725.277)	Is the owner/operator complying with the requirements concerning incompatible wastes? Yes ✓ No N/A COMMENTS:	
(725.278)	**Section 725.278 Air Emission Standards** Is the owner or operator managiing all hazardous waste placed in containers in accordance with Subparts AA, BB and CC of Part 725? Yes No N/A ✓ Comments:	
	Does the generator accumulate and/or treat hazardous waste in tanks? Yes No N/A **Note:** If "No", go to Subpart C.	
	SUBPART J: TANK SYSTEMS	
	Has the generator closed an accumulation area? Yes No ✓ N/A	725.211
(725.211) (725.214)	If "Yes", was the accumulation area closed in accordance with Sections 725.211 and 725.214? Yes No N/A	725.214
(725.290)	Does the facility accumulate or treat hazardous waste in tanks? Yes ✓ No N/A **Note:** A generator may treat hazardous waste in a tank for less than 90 days without a RCRA permit. If "No", skip Subpart J. a) Tank systems that are used to accumulate or treat hazardous waste which contains no free liquids (using the Paint Filter Liquids Test) and that are situated inside a building with an impermeable floor are exempted from the requirements in Section 725.293. b) Tank systems, including sumps, that serve as part of a secondary containment system to collect or contain releases of hazardous wastes are exempted from the requirements in Section 725.293(a). c) Tanks, sumps and other collection devices used in conjunction with drip pads (as defined in Section 720.110) and regulated under Subpart W, must meet the requirements of this Subpart.	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.291(a))	For tanks **existing** prior to July 14, 1986 (see definition of tank system under 720.110) and not protected by a secondary containment system, has a written assessment been reviewed and certified by an IRPE(*) in accordance with Section 702.126(d) by January 12, 1988 [except as provided in Section 725.291(c)]? Yes_____ No_____ N/A_____	
(725.291(b))	Does this assessment consider at least the following: 1) design standards for the tank and ancillary equipment? Yes_____ No_____ N/A_____ 2) hazardous characteristics of the wastes? Yes_____ No_____ N/A_____ 3) existing corrosion protection measures? Yes_____ No_____ N/A_____ 4) documented age of the tank system? Yes_____ No_____ N/A_____ 5) results of a leak test, internal inspection, or other tank integrity examination? Yes_____ No_____ N/A_____ *IRPE = Independent Registered Professional Engineer	
(725.291(c))	Has a tank system assessment been performed within 12 months after the materials in the tank become a hazardous waste? Yes_____ No_____ N/A_____ **Note:** If an assessment indicates a tank system is leaking or unfit for use, the owner/operator must comply with the requirements of Section 725.291(b)(5).	
(725.292(a)) →	For **new** tanks (see definition of new tanks under Section 720.110) whose installation commenced after 07/14/86, has a written assessment been reviewed and certified by an IRPE in accordance with Section 702.126(d) prior to operation of the tank system? Yes_____ No_____ N/A_____ Does the assessment include, at a minimum, the following: 1) design standards for tanks and ancillary equipment? Yes_____ No_____ N/A_____ 2) hazardous characteristics of the waste(s) to be handled? Yes_____ No_____ N/A_____ 3) evaluation of potential for corrosion and corrosion protection measures for tank systems with metal components in contact with soil or water? Yes_____ No_____ N/A_____ 4) design or operational measures that will protect underground tank systems from potential damage resulting from vehicular traffic? Yes_____ No_____ N/A_____ 5) designs to ensure adequate foundations, anchoring to prevent flotation or dislodgment and the ability to withstand the effects of frost heave? Yes_____ No_____ N/A_____	could not produce tank assessment records
(725.292(g))	Has the owner/operator obtained and kept on file at the facility the written statements, including the certification statements [as required in Section 702.126(d)] of the design and installation requirements of Subsections (b) through (f)? Yes_____ No_____ N/A_____	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.293(a))	Is secondary containment provided for any new tank system before being put into service? Yes_____ No_____ N/A_____ Does an existing tank, used to accumulate F020, F021, F022, F023, F026 or F027 waste(s), have secondary containment by 1/12/89? Yes_____ No_____ N/A_____ For an existing tank of documentable age, is secondary containment provided by 1/12/89 or when the tank is 15 years old, whichever is later? Yes_____ No_____ N/A_____ For an existing tank of undocumentable age, has secondary containment been provided by 1/12/95? Yes_____ No_____ N/A_____ or if the facility is older than 7 years, by the time the facility reaches 15 years of age or 1/12/89, whichever is later? Yes_____ No_____ N/A_____ For tanks that accumulate wastes that become hazardous after 1/12/87, has secondary containment been provided within the time intervals required in Subsections (a)(1) through (a)(4) substituting the date that a material becomes a hazardous waste for 1/12/87? Yes_____ No_____ N/A_____	
(725.293(b))	Is the secondary containment system designed, installed and operated to prevent migration of wastes or accumulated liquid out of the system at any time? Yes_____ No_____ N/A_____ Is the secondary containment system capable of detecting and collecting releases and accumulated liquids until the collected material is removed? Yes_____ No_____ N/A_____	
(725.293(c))	To meet the requirements of Subsection (b), is the secondary containment system: 1) compatible with the waste(s) in the tank and of sufficient strength and thickness to prevent failure? Yes_____ No_____ N/A_____ 2) placed on a foundation or base capable of providing support, providing resistance to pressure gradients and preventing failure due to settlement, compression of uplift? Yes_____ No_____ N/A_____ 3) provided with a leak detection system designed and operated to detect any release or accumulated liquid within 24 hours? Yes_____ No_____ N/A_____ 4) sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills or precipitation? Yes_____ No_____ N/A_____ and is spilled or leaked waste and accumulated precipitation removed from the secondary containment within 24 hours? Yes_____ No_____ N/A_____ **Note:** A RCRA permit may allow for removal of liquids less frequently than 24 hours after accumulation.	
(725.293(d))	Does the secondary containment for tanks have one or more of the following: 1) a liner (external to the tank); or 2) a vault; or 3) a double-walled tank; or 4) an equivalent device (approved by the Board)? Yes_____ No_____ N/A_____	
(725.293(e))	Does the external liner system(s), vault system(s) and/or double-walled tank(s) meet the additional requirements identified in Section 725.293(e)? Yes_____ No_____ N/A_____	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.293(f))	Is ancillary equipment protected by secondary containment that meets the requirement of Subsection (h) and (c)? Yes_____ No_____ N/A_____ If "No": 1) Is aboveground piping (exclusive of flanges, joints, valves and connections) inspected daily? Yes_____ No_____ N/A_____ 2) Are welded flanges, joints and connections inspected daily? Yes_____ No_____ N/A_____ 3) Are sealless or magnetic coupling pumps and sealless valves inspected daily? Yes_____ No_____ N/A_____ 4) Are pressurized aboveground piping systems with automatic shut-off devices inspected daily? Yes_____ No_____ N/A_____	
(725.293(i))	Until such time as secondary containment is provided, are the following requirements being met for all tank systems: 1) For non-enterable underground tanks, has an annual leak test that meets the requirements of 725.291(b)(5) been conducted? Yes_____ No_____ N/A_____ 2) For other than non-enterable underground tanks and ancillary equipment, has an annual leak test, internal inspection or other tank integrity examination by an IRPE been conducted? Yes_____ No_____ N/A_____ 3) Are written records maintained at the facility to document the assessments required under Subsections (i)(1) and (i)(2)? Yes_____ No_____ N/A_____ ← ? **Note:** If a tank system is found to be leaking or unfit for use as a result of a leak test or assessment, the owner/operator must comply with Section 725.296.	
(725.294(a))	Has the owner/operator placed hazardous wastes or treatment reagents in the tank system that could cause the system to rupture, leak, corrode or otherwise fail? Yes_____ No_____ N/A_____	
(725.294(b))	Do tanks and secondary containment have appropriate controls and practices to prevent spills and overflows including: 1) spill prevention controls? Yes ✓ No_____ N/A_____ 2) overfill prevention controls? Yes ✓ No_____ N/A_____ 3) sufficient freeboard in uncovered tanks? Yes_____ No_____ N/A ✓	
(725.294(c))	**Note:** If a leak or spill has occurred in the tank system, the owner/operator shall comply with the requirements of Section 725.296.	
(725.295(a))	Does the owner/operator inspect, if present, at least each operating day, the following: 1) overfill/spill control equipment? Yes_____ No_____ N/A_____ 2) the aboveground portion of the tank system for corrosion or releases? Yes_____ No_____ N/A_____ 3) data from monitoring equipment? Yes_____ No_____ N/A_____ 4) the construction materials and the area immediately surrounding the external portion of the system? Yes_____ No_____ N/A_____	
(725.295(b))	If the tank system has cathodic protection, is the owner/operator complying with Section 725.295(b) to ensure that they are functioning properly? Yes_____ No_____ N/A_____	
(725.295(c))	Does the owner/operator document in the operating record, the results of tank inspections as required in Section 725.295(a) and (b)? Yes ✓ No_____ N/A_____	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.296)	If the tank system or secondary containment system has a leak or spill or is unfit for use, has the owner/operator: a) immediately ceased using; prevented flow or addition of waste and inspected the system to determine the cause of the release? Yes_____ No_____ N/A ✓ b) removed applicable waste from the system within 24 hours of detection? Yes_____ No_____ N/A ✓ c) immediately conducted a visual inspection of the release and taken actions to contain visible releases to the environment, prevented further migration to soils or surface water and removed and properly disposed of any contaminated soil or water? Yes_____ No_____ N/A ✓	
(725.296(d))	d) notified the Agency within 24 hours of detection of release? Yes_____ No_____ N/A ✓ d)3) within 30 days of detection of release, submitted a report to the Agency that complies with the requirements of Section 725.296(d)(3)? Yes_____ No_____ N/A ✓ **Note:** Notification and reports are not necessary if less than 1 pound of material is spilled and it was immediately contained and cleaned up.	
(725.296(e))	e) repaired the tank system prior to returning the tank system to service in the event that a leak has occurred from the primary tank system into the secondary containment system? Yes_____ No_____ N/A ✓ e)4) provided secondary containment before returning a tank system to service in the event that the release was from a component of a tank system without secondary containment? Yes_____ No_____ N/A ✓ e)4) met the requirements for a new tank system in the event that a component is replaced during repair? Yes_____ No_____ N/A_____ e)4) provided the entire component with secondary containment prior to being returned to use in the event that a leak has occurred in any portion of a component that is not readily accessible for visual inspection? Yes_____ No_____ N/A ✓	
(725.296(f))	f) In the event that an extensive repair has been conducted in accordance with subsection (e), submitted to the Agency within 7 days after returning the tank system to use, a certification by an IRPE stating that the repaired system is capable of handling hazardous wastes without release for the intended life of the system? Yes_____ No_____ N/A_____ **Note:** If the owner/operator does not satisfy the requirements of subsections (e)(2) through (e)(4), the tank system must be closed in accordance with Section 725.297.	
(725.297(a))	At the time of closure of a tank system, has the owner/operator removed or decontaminated all waste residues, contaminated components, contaminated soils and structures and equipment and managed them as hazardous waste [unless Section 721.103(d) applies]? Yes_____ No_____ N/A ✓	
(725.297(a))	Have the closure plan, closure activities, cost estimates for closure and financial responsibility for tank systems met all requirements specified in Subparts G and H? Yes_____ No_____ N/A ✓	
(725.297(b))	If the tank system cannot be "clean" closed, has the owner/operator closed the tank system and performed post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (Section 725.410)? Yes_____ No_____ N/A ✓ **Note:** Such a tank system is considered a landfill and must meet all of the requirements of landfills specified in Subparts G and H.	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.298(a))	Are ignitable or reactive wastes placed in a tank system? Yes_____ No_✓_____ N/A_✓_____ If "No", skip to Section 725.299. Is the waste treated, rendered or mixed before or immediately after placement in the tank system so that: - the resulting waste, mixture or dissolved material is no longer ignitable or reactive? Yes_____ No_____ N/A_____ - Section 725.117(b) is complied with? Yes_____ No_____ N/A_____ or Is the waste accumulated or treated so that it is protected from any material or conditions which may lead to ignition or reaction? Yes_____ No_____ N/A_____ or Is the tank used solely for emergencies? Yes_____ No_____ N/A_____	
(725.298(b))	Is the facility complying with the requirements regarding maintenance of protective distances between the waste management area and any public ways, streets, alleys or any adjoining property line? Yes_____ No_____ N/A_____	
(725.299)	Are incompatible wastes/materials placed in the same tank? Yes_____ No_____ N/A_____ If "No", skip to Section 725.300. Is Section 725.117(b) being complied with? Yes_____ No_____ N/A_____ Has the tank system been properly decontaminated if it previously held an incompatible waste/material unless Section 725.117(b) is complied with? Yes_____ No_____ N/A_____ COMMENTS:	
(725.302)	**Section 725.302 Air Emission Standards** Is the owner or operator managing all hazardous waste placed in tanks in accordance with Subparts AA, BB and CC of Part 725? Yes_____ No_____ N/A_✓_____ Comments:	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation

SUBPART C: PREPAREDNESS AND PREVENTION

(725.131) Is the facility being operated and maintained to minimize the possibility of a fire, explosion or any release of hazardous waste or hazardous waste constituents which could threaten human health or the environment?
Yes ✓ No ____ N/A ____

(725.132) Is the facility equipped with the following, if necessary:
a) an internal communication or alarm system(s)?
Yes ✓ No ____ N/A ____
b) a telephone or other device to summon emergency assistance from local authorities?
Yes ✓ No ____ N/A ____
c) portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment?
Yes ✓ No ____ N/A ____
d) water at adequate volume and pressure for fire control?
Yes ✓ No ____ N/A ____

(725.133) Is the facility testing and maintaining communication/alarm system(s), fire protection equipment, spill control equipment and decontamination equipment?
Yes ✓ No ____ N/A ____

(725.134) a) Where hazardous waste is being handled, do all employees have immediate access to an internal alarm or other emergency communication device?
Yes ✓ No ____ N/A ____
b) If there is ever just one employee on the premises when the facility is operating, does he/she have immediate access to a device capable of summoning external emergency assistance?
Yes ✓ No ____ N/A ____

(725.135) Is the facility maintaining adequate aisle space?
Yes ✓ No ____ N/A ____

(725.137) Has the facility attempted to make the following arrangements, as appropriate, for the type of facility and waste:
- arrangements with local emergency authorities (i.e. police and fire departments, other emergency response agencies) to familiarize them with the layout of the facility, properties of hazardous waste handled, places where facility personnel would be working, entrances to roads inside the facility and evacuation routes?
Yes ✓ No ____ N/A ____
- agreements designating the primary authority where more than one police or fire department might respond?
Yes ✓ No ____ N/A ____
- agreements with State emergency response teams, contractors and equipment suppliers?
Yes ✓ No ____ N/A ____
- arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could result from fires, explosions or releases at the facility?
Yes ✓ No ____ N/A ____

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

(725.151(a)) Is the contingency plan available?
Yes ✓ No ____ N/A ____
If "No", skip to Section 725.155.
Is the plan designed to protect human health and the environment from releases to the air, soil and water?
Yes ____ No ____ N/A ____

(725.151(b)) Has there been a fire, explosion or release of hazardous waste?
Yes ____ No ✓ N/A ____
If "Yes", has the contingency plan been carried out immediately?
Yes ____ No ____ N/A ____

(725.152(a)) Does the plan describe the actions required for response to:
- fires? Yes ✓ No ____ N/A ____
- explosions? Yes ✓ No ____ N/A ____
- releases? Yes ✓ No ____ N/A ____

part of emergency response plan Manual

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.152(c))	Does the plan describe arrangements with: - police and fire departments? Yes_____ No_____ N/A_____ - hospitals? Yes_____ No_____ N/A_____ - contractors? Yes_____ No_____ N/A_____ - emergency response teams? Yes_____ No_____ N/A_____	
(725.152(d)	Does the plan contain the current emergency coordinator's name, phone (office and home) and address? Yes✓ No_____ N/A_____	
(725.152(e))	Does the plan identify all emergency equipment including: - description? Yes_____ No_____ N/A_____ - capability? Yes_____ No_____ N/A_____ - location? Yes_____ No_____ N/A_____ Is the list of emergency equipment up-to-date? Yes_____ No_____ N/A_____	
(725.152(f))	Does the plan include: - an evacuation plan? Yes_____ No_____ N/A_____ - an evacuation signal? Yes_____ No_____ N/A_____ - alternate evacuation routes? Yes_____ No_____ N/A_____	
(725.153)	Has the contingency plan (including all revisions) been: a) maintained at the facility? Yes_____ No_____ N/A_____ b) submitted to: - police department? Yes_____ No_____ N/A_____ - fire department? Yes_____ No_____ N/A_____ - hospital? Yes_____ No_____ N/A_____ - emergency response teams? Yes_____ No_____ N/A_____	
(725.154)	Has the contingency plan been reviewed and revised whenever: a) regulations are revised? Yes✓ No_____ N/A_____ b) the plan fails in an emergency? Yes✓ No_____ N/A_____ c) the facility changes in a way that modifies the emergency response necessary? Yes✓ No_____ N/A_____ d) information regarding emergency coordinators changes? Yes✓ No_____ N/A_____ e) information regarding equipment changes? Yes✓ No_____ N/A_____	
(725.155)	Is the emergency coordinator on-site or on call at all times? Yes✓ No_____ N/A_____ Is the emergency coordinator familiar with all facility activities, wastes, records, layout and contingency plan? Yes✓ No_____ N/A_____ Does the emergency coordinator have the authority to commit the resources needed to carry out the actions specified in the contingency plan? Yes✓ No_____ N/A_____	
(725.156)	If the facility has had a release, fire or explosion, have the procedures of this Section been followed regarding assessment, response and reporting? Yes✓ No_____ N/A_____ **Note:** If the facility has had a release, explain in detail.	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(725.116(a))	**Section 725.116 Personnel Training** Does the facility have a training program? Yes ✓ No_____ N/A_____ Have facility personnel successfully completed a program of classroom or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of Part 725? Yes_____ No_____ N/A_____ Is the program directed by a person trained in hazardous waste management procedures? Yes_____ No_____ N/A_____ Does the program teach facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed? Yes_____ No_____ N/A_____ Does the program cover, at a minimum: - procedures to familiarize facility personnel with emergency procedures, emergency equipment and emergency systems? Yes_____ No_____ N/A_____ - procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment? Yes_____ No_____ N/A_____ - key parameters for automatic waste feed cut-off systems? Yes_____ No_____ N/A_____ - communications or alarm systems? Yes_____ No_____ N/A_____ - response to fire or explosions? Yes_____ No_____ N/A_____ - response to groundwater contamination incidents? Yes_____ No_____ N/A_____ - shutdown of operations? Yes_____ No_____ N/A_____	Facility can't provide training records during inspection
(725.116(b))	Have new employees completed the program within 6 months of the date of employment or assignment to a position requiring them to manage hazardous waste? Yes_____ No_____ N/A_____	
(725.116(c))	Have facility personnel received an annual review of the initial training? Yes_____ No_____ N/A_____	
(725.116(d))	Are the following documents and records being maintained at the facility: 1) the job title for each position related to hazardous waste management and the name(s) of the employee(s) filling each job? Yes_____ No_____ N/A_____ 2) a written job description for each position above, including the requisite skill, education or other qualifications and duties of personnel assigned to each position? Yes_____ No_____ N/A_____ 3) a written description of the type and amount of both initial and continuing training that will be given to each person filling a position dealing with hazardous waste management? Yes_____ No_____ N/A_____ 4) records documenting that the training or job experience has been given to and completed by facility personnel? Yes_____ No_____ N/A_____	
(725.116(e))	Is the facility maintaining training records until closure of the facility and those of former employees for at least 3 years from the last date of employment? Yes_____ No_____ N/A_____	

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
(728.107(a)(5))	**Section 728.107 Waste Analysis and Recordkeeping** Has the generator who treats a prohibited waste in tanks or containers in order to meet the treatment standards developed and followed a waste analysis plan? Yes_____ No_____ N/A_____ Is the plan on-site? Yes_____ No_____ N/A_____ Does the plan include a detailed physical and chemical analysis? Yes_____ No_____ N/A_____ Has the plan been filed with the Agency at least 30 days prior to commencement of treatment activity? Yes_____ No_____ N/A_____ Has the generator submitted the required notification and certification that the waste meets treatment standards when the waste is shipped off-site? Yes_____ No_____ N/A_____	_____
722.134(c)	**Section 722.134 Satellite Accumulation** Is the generator who accumulates hazardous waste at or near any point of generation where wastes initially accumulate and which is under the control of the operator of the process generating the waste, limiting such accumulation to 55 gallons of hazardous waste or 1 quart of **acutely** hazardous waste, complying with Sections 725.271, 725.272 and 725.273(a), and marking the containers with the words "Hazardous Waste" or other words identifying the contents? Yes_____ No_✓_ N/A_____ Has the generator who accumulates more than 55 gallons of hazardous waste or 1 quart of **acutely** hazardous waste complied with the requirements of Section 722.134(a) within 3 working days? Yes_____ No_____ N/A_____ If there are more than 55 gallons of hazardous waste or 1 quart of **acutely** hazardous waste in the satellite accumulation area, are the containers marked with the date accumulation began? Yes_____ No_____ N/A_____ During the 3 day period, is the generator continuing to comply with the requirements of Section 722.134(c)(1) with respect to the excess waste? Yes_____ No_____ N/A_____	one drum of hazardous waste was removed
722.134(g)	**Note:** A generator that generates 1,000 kilograms or greater of hazardous waste per calendar month which also generates wastewater treatment sludges from electroplating operations that meet the listing description for the hazardous waste code F006 may have alternate accumulation requirements if the conditions of 722.134(g), (h), or (i) are fulfilled.	
	SUBPART D: RECORDKEEPING AND REPORTING	
722.140(a)	**Section 722.140 Recordkeeping** Has the generator retained for a period of 3 years: - a copy of each signed manifest? Yes_✓_ No_____ N/A_____	722.140(a)
722.140(b)	Has the generator retained a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1)? Yes_✓_ No_____ N/A_____	722.140(b)
722.140(c)	Has the generator retained for a period of 3 years: - copies of test results, waste analyses or other determinations made in accordance with Section 722.111? Yes_✓_ No_____ N/A_____	722.140(c)
722.140(d)	Does a generator who is involved in any unresolved enforcement action or as requested by the Director continue to maintain the records required in subsections a) and c)? Yes_____ No_____ N/A_____	722.140(d)
722.141(a)	**Section 722.141 Annual Reporting** Has the generator who ships hazardous waste off-site for treatment, storage or disposal filed an annual report with the Agency by March 1 for the preceding calendar year? Yes_✓_ No_____ N/A_____ **Note:** If "No", or if deficiencies are noted with the annual report reviewed, contact the Planning and Reporting Section.	722.141(a)

Regulation	RCRA GENERATOR INSPECTION CHECKLIST (PART 722)	Violation
722.141(b)	Has the generator who treats, stores or disposes of hazardous waste on-site, filed an annual report with the Agency by March 1 for the preceding calendar year? Yes✓ No_____ N/A_____	722.141(b)
	Section 722.142 Exception Reporting	
722.142(a)(1)	If the generator has not received a copy of the manifest from the TSD facility within 35 days of the date of delivery to the transporter, has the generator contacted the transporter or the TSD facility to determine the status of the hazardous waste? Yes_____ No✓ N/A✓	722.142(a)(1)
722.142(a)(2)	If the generator has not received a copy of the signed manifest within 45 days of the date of delivery to the transporter, has he filed an exception report with the Agency in accordance with the requirements of this Section? Yes_____ No_____ N/A✓	722.142(a)(2)
722.143	**Section 722.143 Additional Reporting** Has the generator furnished additional reports as required by the Director? Yes_____ No_____ N/A_____	722.143
	SUBPART E: EXPORTS OF HAZARDOUS WASTE	
722.150	Is the generator an exporter of hazardous waste? Yes_____ No_____ N/A_____ If "Yes", has the generator complied with the requirements of Subpart E? Yes_____ No_____ N/A_____	722.150
	SUBPART F: IMPORTS OF HAZARDOUS WASTE	
722.160	Is the generator an importer of hazardous waste? Yes_____ No_____ N/A_____ If "Yes", has the generator complied with the requirements of Subpart F? Yes_____ No_____ N/A_____	722.160
	SUBPART G: FARMERS	
722.170	Is the generator a farmer? Yes_____ No_____ N/A_____ If "Yes", has the generator complied with the requirements of Subpart G? Yes_____ No_____ N/A_____	722.170
	COMMENTS:	

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ATTACHMENT C
EPA, OSWE Response Letter

9441.1993(10)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

John C. Chambers
McKenna & Cuneo
1575 Eye Street N.W.
Washington, D.C. 20005

Dear Mr. Chambers:

This letter responds to your January 15, 1993 request for an EPA determination regarding the regulatory status of disulfide oil produced by your client, Merichem Company, and which is burned in a sulfuric acid furnace. Based on the information contained in your letter and information provided in the March 9, 1993 meeting between you, Mr. Kirby Boston and members of my staff, I concur wish your view that the disulfide oil used in the manufacture of sulfuric acid is not a solid waste.

In reaching this determination, we evaluated many aspects of both Merichem's process that produces the disulfide oil and the use of the material in the production of sulfuric acid. There are several aspects of this situation that appear to have RCRA implications, many of which focus on the regulatory distinction between a by-product and a co-product. An analysis of these aspects will illustrate this point.

To begin, differentiating between a by-product and a product (including a co-product) is sometimes difficult and involves consideration of many factors. The disulfide oil, and its subsequent usage, have characteristics of both a by-product and a co-product. For example, the Agency generally considers a product to be a material that is fit for end use (or which requires only minimal processing to become usable). A material that must itself be further processed would generally be considered a by-product. While Merichem has stated that the disulfide oil is a product fit for end use in the production of sulfuric acid because of its sulfur content, the Agency would normally consider such "use" to be better characterized as further processing, in which case the material is more like a by-product. However, other factors must

also be considered and weighed before a final determination is made because this material does not fit neatly into any single category.

In evaluating the disulfide oil as a by-product material being reclaimed, the material would not represent a typical situation because it provides both material value (sulfur content) and fuel value (an average of 16,000 BTU/lb) in its use as a feedstock.

Because of this characteristic, the regulatory status (by-product v. co-product) of the material has particular importance. Under current regulations (see Table I in 40 CFR 261.2), a characteristic by-product that is reclaimed (or used as an ingredient) is not a solid waste. However, a characteristic by-product that is burned for energy recovery is a solid waste and subject to regulation as a hazardous waste, subsequently requiring a RCRA permit for an industrial furnace to be able to burn the by-product. And, while you have stated that the main purpose of burning the disulfide oil is as a raw material providing sulfur value, it would seem that, because the sulfuric acid manufacturer has more to gain from its use as a fuel, the disulfide oil would more appropriately be considered a material burned for energy recovery.

In evaluating the material as a product (or, more specifically, a co-product), the disulfide oil provides Merichem with revenues and is managed to prevent release (i.e., it is managed as a valuable commodity). As for its marketability, the disulfide oil is uniquely suited for its use as a feedstock in the manufacture of sulfuric acid, providing both energy and material value. As such, the disulfide oil appears to have a guaranteed market. Based on the information you provided, the only Appendix VIII constituents present in the disulfide oil are those commonly found in commercial fuels, thus raising little concern of unforeseen hazardous contaminants being burned. And, as you have indicated, the disulfide oil must meet product specifications as required by the sulfuric acid manufacturer.

After considering all of the above factors, the Agency has determined that the disulfide oil does not meet the definition of solid waste when used in the manufacture of sulfuric acid (although its use is not necessarily limited to sulfuric acid manufacturing). Therefore, the burning of the disulfide oil would not require a RCRA permit. This determination is also based on the understanding

that the material will continue to be handled to prevent releases and otherwise managed in a manner indicative of a product.

I hope this letter adequately addresses your concerns. As you know, State regulatory programs may be more stringent than the federal program. Therefore, I suggest you also get confirmation of the regulatory status of the disulfide oil from the appropriate State regulatory agencies. Thank you for your interest in the RCRA program.

Sincerely,
Jeffrey D. Denit
Deputy Director
Office of Solid Waste